

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN W HANSON III,

:

Plaintiff,

v.

:

Case No. 3:24-cv-276

JEFF SCHMITT AUTO GROUP,

JUDGE WALTER H. RICE

et al.,

:

Defendants.

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**DECISION AND ENTRY OVERRULING AS MOOT THE MOTION TO DISMISS FILED BY DEFENDANTS TOM GREEN, JEFF SCHMITT AUTO GROUP, JAY SCHMITT, TONY BROADSTONE, NICK SMITH, NICK MARKOFF, HUNTER ALSIP, RICHARD ROE -1, AND RICHARD ROE-2 (DOC. #23)**

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This matter comes before the Court on the Motion to Dismiss by Defendants Tom Green, Jeff Schmitt Auto Group, Jay Schmitt, Tony Broadstone, Nick Smith, Nick Markoff, Hunter Alsip, Richard Roe -1, Richard Roe-2 (“the Jeff Schmitt Defendants”). Doc. #23. The basis for this motion is that Plaintiff’s Amended Complaint, filed January 31, 2025, was not filed with leave of Court and should therefore be dismissed. After the motion to dismiss was filed, the Court *nunc pro tunc* granted Plaintiff leave to file the applicable amended complaint. Doc. #25.

Therefore, because Plaintiff’s Amended Complaint was filed with leave of Court, the Motion to Dismiss is **OVERRULED**.

Date: 2/21/2025

  
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JUDGE WALTER H. RICE  
UNITED STATES DISTRICT JUDGE